

Appl. No. 10/089,329
Atty. Docket No. 7821
Amdt. dated December 8, 2003
Reply to Office Action of October 2, 2003
Customer No. 27752

REMARKS

Claims 3-27 are pending in the present application. Claims 3, 14, and 27 have been amended to particularly point out and to distinctly claim the subject matter of the present invention.

Rejection under 35 USC § 112

The Examiner has rejected Claims 14-21, 24-25 and 27 under 35 USC § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The amendments herein to Claims 14 and 27 obviate the Examiner's rejection under 35 USC § 112, first paragraph.

The Examiner has rejected Claims 3-25 under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The amendments to Claims 3 and 14 obviate the rejection under 35 USC § 112, second paragraph.

Reconsideration and withdrawal of the rejection to the Claims under 35 USC § 112 is therefore respectfully requested.

Rejection under 35 USC § 102(b)

The Examiner has rejected Claims 14-21 and 24-25 under 35 USC § 102(b) as allegedly being anticipated by Wu et al., *Tetrahedron Letters*, 41(8), pages 1159-1163 (2000). The amendments herein to Claims 14 and 27 overcome the Examiners objection to the priority claim from PCT /US/00/27503 which claims priority from U.S. Provisional Application Serial No. 60/158,660, filed October 8, 1999 has been obviated by the amendments to Claim 14 herein. The proper claim to these priority application in turn obviate the Examiner's rejection under 35 USC § 102(b).

The Examiner has rejected Claim 27 under 35 USC § 102(b) as allegedly being anticipated by Wu et al., *Tetrahedron Letters*, 41(8), pages 1159-1163 (2000). The amendments herein to Claims 14 and 27 overcome the Examiners objection to the priority claim from PCT /US/00/27503 which claims priority from U.S. Provisional Application Serial No. 60/158,660, filed October 8, 1999 has been obviated by the amendments to Claim 27 herein. The proper claim to these priority application in turn obviate the Examiner's rejection under 35 USC § 102(b).

Reconsideration and withdrawal of the rejection of the Claims under 35 USC § 102(b) is therefore respectfully requested.

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CONCLUSION

Applicants have made an earnest effort to place the present claims in condition for allowance. WHEREFORE, reconsideration of the claims in light of the Remarks provided, withdrawal of the Restriction Requirement and Election of Species, and allowance of Claims 3-27, are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned agent to discuss any remaining issues.

Respectfully submitted,

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